

REMARKS

For the amendments made to the claims and the remarks made herein, applicant respectfully requests reconsideration and withdrawal of the rejections.

Claims 1-9 are pending and stand rejected.

Claims 1-9 stand rejected under 35 USC 102(e) as being anticipated by Nystrom et al. (USP No. 6,526,091 B1).

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims. Nystrom teaches that an unscrambled synchronization channel SCH comprise two parts: a primary synchronization code (PSC) and a secondary synchronization code (SSC) both of which are transmitted one per slot. See. Col. 5, lines 19-22. For example, in FIG. 3 of Nystrom, the PSC and SSC are illustrated as being transmitted simultaneously. Thus, Nystrom teaches away from the present invention.

The examiner refers to col. 6, line 63 – col. 7, line 27 as disclosing that “the modulator (10) being further embodied so as to modulate the respective data signal (16) with a respective final code word after synchronization with the primary station (2) has been obtained.” Applicants respectfully note that this section refers to the secondary synchronization code (SSC) portion of the unscrambled synchronization channel SCH. As described above, the SSC portion is transmitted one per slot with the PSC. Thus, Nystrom does not teach modulating the respective data signal with a respective final code word *after synchronization with the primary station* has been obtained, as claimed in the present invention.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Nystrom cannot be said to anticipate the present invention, because Nystrom fails to disclose each and every element recited.

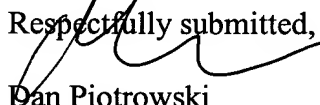
Having shown that Nystrom fails to disclose each and every element claimed, applicant submits that the reason for the examiner's rejection of the claim has been

overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

With regard to claims 2, 3, 5, 6, 8 and 9, these claims depend from independent claims 1, 4, and 7, respectively, which have been shown to be allowable in view of the cited reference(s). Accordingly, these claims are also allowable by virtue of their dependence from an allowable base claim

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Applicant further submits that the claim amendments were not made to overcome the reference cited. Furthermore, the substance of the originally filed claims has not been amended. Accordingly, the amendments made are not related to patentability and do not alter or limit the substance of the subject matter claimed.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to:

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On November 21, 2005
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